THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.8836 of 1994

-

And

-

Review W.P.M.P.No.20917 of 2004

-

10th March 2006

W.P.No.8636 of 1994

Between:

Smt.M.shyama Sundaramathi.

...PETITIONER

AND

1. Joint Collector & Additional Magistrate, Nizamabad.

And two others.

...RESPONDENT

AND

Review W.P.M.P.No.20917 of 2004

Between:

Joint Collector & Additional Magistrate, Nizamabad.

...REVIEW PETITIONER

AND

1. Smt.M.shyama Sundaramathi.

And two others.

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THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.8836 of 1994

-

And

-

Review W.P.M.P.No.20917 of 2004

-

COMMON ORDER:

The only question involved in this review is as to the competency for cancellation of any Caste Certificate under the provisions of the Andhra Pradesh (Scheduled

Castes, Scheduled Tribes and Backward Communities) Regulation of Issue of Community Certificates Act, 1993 (16 of 1993) ('the Act' for brevity).

There is no dispute to the fact that in the present case, the Joint Collector concerned passed the order on 20.07.1992. However, the learned Government Pleader appearing for the review applicant submits that the said Act 16/1993 came into force w.e.f. 15.06.1997 interpreting the said provisions but not earlier. This Court has taken a view that the Collector of the District alone is competent to cancel any caste certificate but not the District Revenue Officer under the provisions of the Act.

Having regard to the same and in view of the error apparent on the face of the record that the Joint Collector passed order of cancellation on 20.07.1992, which is much prior to the Act coming into force, the review application is allowed.

Consequently, Writ Petition No.8836 of 1994 stands dismissed. No costs.

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(B.PRAKASH RAO, J)

10th March 2006

RRB